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CLOSURE PLAN APPROVAL - HF TANK CAR AND AREA

02/06/1995

**OEPA
3
COMMENTS**

DOE-FN



State of Ohio Environmental Protection Agency

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George V. Voinovich
Governor

Donald R. Schregardus
Director

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CLOSURE PLAN APPROVAL

CERTIFIED MAIL

February 6, 1995

RE: CLOSURE PLAN
U.S. Department of Energy
Fernald Environmental
Management Project
OH6890008976

Mr. J. Phil Hamric
Site Manager
Fernald Office
U.S. DOE-FEMP
P.O. Box 398705
Cincinnati, Ohio 45239-8705

Dear Mr. Hamric:

On May 7, 1992, U.S. DOE-FEMP submitted to Ohio EPA a closure plan for the Hydrofluoric Acid (HF) Tank Car and Area, Hazardous Waste Management Unit Number 38, located at 7400 Willey Road, Fernald, Ohio. Revisions to the closure plan were received on June 1, 1993, July 28, 1994, November 10, 1994 and December 21, 1994. The closure plan was submitted pursuant to Rule 3745-66-12 of the Ohio Administrative Code (OAC) in order to demonstrate that U.S. DOE-FEMP's proposal for closure complies with the requirements of OAC Rules 3745-66-11 and 3745-66-12.

The public was given the opportunity to submit written comments regarding the closure plan of U.S. DOE-FEMP in accordance with OAC Rule 3745-66-12. No comments were received by Ohio EPA in this matter.

Based upon review of U.S. DOE-FEMP's submittal and subsequent revisions, I conclude that the closure plan for the hazardous waste facility at 7400 Willey Road, Fernald, Ohio, as modified herein, meets the performance standard contained in OAC 3745-66-11 and complies with the pertinent parts of OAC Rule 3745-66-12.

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency.

By: Mary Gavin Date 2-8-95

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The closure plan submitted to Ohio EPA on May 7, 1992 and revised on June 1, 1993, July 28, 1994, November 10, 1994 and December 21, 1994 by U.S. DOE-FEMP is hereby approved with the following modification:

1. U.S. DOE-FEMP shall implement the neutralization and decontamination steps as outlined in the HF Tank Car closure plan for the 500 gallon portable container. The closure certification for the HF Tank Car shall also address the 500 gallon portable container.

Please be advised that approval of this closure plan does not release U.S. DOE-FEMP from any responsibilities as required under the Hazardous and Solid Waste Amendments of 1984 regarding corrective actions for all releases of hazardous waste or constituents from any solid waste management unit, regardless of the time at which waste was placed in the unit.

Notwithstanding compliance with the terms of the closure plan, the Director may, on the basis of any information that there is or has been a release of hazardous waste, hazardous constituents, or hazardous substances into the environment, issue an order pursuant to Section 3734.20 et seq of the Revised Code or Chapters 3734 or 6111 of the Revised Code requiring corrective action or such other response as deemed necessary; or initiate appropriate action; or seek any appropriate legal or equitable remedies to abate pollution or contamination or to protect public health or safety or the environment.

Nothing here shall waive the right of the Director to take action beyond the terms of the closure plan pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 ("CERCLA") or to take any other action pursuant to applicable Federal or State law, including but not limited to the right to issue a permit with terms and conditions requiring corrective action pursuant to Chapters 3734 or 6111 of the Revised Code; the right to seek injunctive relief, monetary penalties and punitive damages; to undertake any removal, remedial, and/or response action relating to the facility, and to seek recovery for any costs incurred by the Director in undertaking such actions.

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency.

By: Mary Carvin Date 2-8-95

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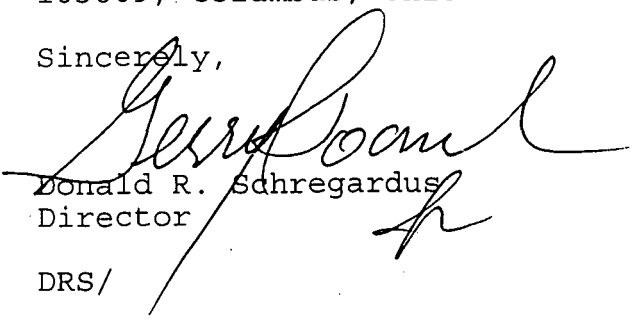
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You are notified that this action of the Director is final and may be appealed to the Environmental Board of Review pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action.

A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address: Environmental Board of Review, 236 East Town Street, Room 300, Columbus, Ohio 43266-0557.

When closure is completed, the Ohio Administrative Code Rule 3745-66-15 requires the owner or operator of a facility to submit to the Director of the Ohio EPA certification by the owner or operator and an independent, registered professional engineer that the facility has been closed in accordance with the approved closure plan. The certification by the owner or operator shall include the statement found in OAC 3745-50-42(D). These certifications should be submitted to: Ohio Environmental Protection Agency, Division of Hazardous Waste Management, Attention: Thomas Crepeau, Data Management Section, P.O. Box 163669, Columbus, Ohio 43216-3669.

Sincerely,


Donald R. Schregardus
Director

DRS/

cc: Thomas Crepeau, OEPA, DHWM Central File
Montee Suleiman, OEPA, DHWM
Harriet Croke, Ohio Permit Section, USEPA, Region V
Mark Metcalf, OEPA, Southwest District Office

I certify this to be a true and accurate copy of the
official document as filed in the records of the Ohio
Environmental Protection Agency.

By: Mary Gavin Date 2-8-95

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